



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,388	08/15/2000	Philip D. Mooney	MOONEY	1998

7590 08/28/2002

Farkas & Manelli PLLC
2000 M Street N W 7th Floor
Washington, DC 20036-3307

EXAMINER

KUMAR, SRILAKSHMI K

ART UNIT PAPER NUMBER

2675

DATE MAILED: 08/28/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/638,388

Applicant(s)

MOONEY ET AL.

Examiner

Srilakshmi K. Kumar

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on June 14, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 5-9, 11-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Will (US 5,970,388).

As to independent claim 1, Will discloses an electronic wireless badge device (Fig. 3a) comprising, a wireless front end and an electronic display adapted to electronically display badge information received by said wireless front end (col. 4, lines 17-48).

As to independent claim 8, a network security station, comprising, a database of badge information corresponding to said authorized user codes (col. 5, lines 1-6); and a wireless front end adapted to transmit badge information retrieved from said database of badge information (col. 4, lines 17-64).

Art Unit: 2675

As to independent claims 12 and 20, a method and an apparatus of providing electronic badge information for display on a user's electronic wireless badge comprising, establishing a wireless network between a network security station and a plurality of electronic wireless badges (Fig. 1, col. 2, line 63-col. 3, line 5, col. 4, lines 17-18); transmitting badge display information to each of said plurality of electronic wireless badges (col. 4, lines 17-64); and electronically displaying said badge display information on each of said plurality of electronic wireless badges (col. 4, lines 17-64).

As to dependent claim 2 and 9, limitations of claim 1, and further comprising where said electronic display is adapted to display any of one of a plurality of different badge information at any one time (col. 4, lines 17-64, electronic mail message, incoming telephone call).

As to dependent claims 3, 9, 13 and 21, Will discloses a central station with several remote stations with several communications units or wireless badges (Fig. 1). A piconet is a connection between a master and one or more slaves. Thus it would be inherent that the system disclosed by Will is that of a piconet.

As to dependent claims 5 and 11, limitations of claims 1 and 8, and further comprising wherein said badge information includes a photo of an authorized wearer (Fig. 3a, col. 4, lines 41-44).

As to dependent claim 6, limitations of claim 1, and further comprising wherein said electronic display is an LCD device (Fig. 3a, item 17, col. 4, lines 44-48).

As to dependent claims 14 and 22 limitations of claims 13 and 21, and further comprising wherein said badge display information displayed on each of said plurality of electronic wireless badges is different (col. 4, lines 17-64).

As to dependent claims 15 and 23, limitations of claims 13 and 21, and further comprising, authorizing said electronic wireless badges to receive badge display information.

As to dependent claim 16 and 24, limitations of claims 13 and 21, and further comprising, altering said badge display information periodically to prevent fraud (col. 4, lines 3-8).

As to dependent claims 17 and 25, limitations of claims 16 and 24, and further comprising, flashing a display of said wireless badges in concert (col. 4, lines 17-26)

As to dependent claims 18 and 26, limitations of claims 13 and 21, and further comprising, linking badge information stored in said electronic wireless badge (communications unit) with an application computer (remote and central stations) (Fig. 1).

As to dependent claims 19 and 27, limitations of claims 18 and 26, and further comprising wherein said application computer is a register checkout (Fig. 1, remote stations).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Will as applied to claims 1 and 8, above, and further in view of Bork et al. (US 6,246,376).

As to dependent claims 4 and 10 limitations of claim 1 and 8, and further comprising wherein said wireless piconet front end is a BLUETOOTH device. Will does not disclose a BLUETOOTH device. Bork et al disclose in col. 2, lines 4-11 where a wireless location and direction indicator users BLUETOOTH protocol, which permits multiple piconets to exist in,

Art Unit: 2675

close proximity. It would have been obvious to one of ordinary skill in the art that the system of Bork et al could have been incorporated into that of Will. Will discloses a wireless system with a wireless badge using communications means for locating and subsequently sending other information to the wireless badges. Bork et al disclose a system for wireless locating for multiple devices. The piconets using BLUETOOTH is advantageous as it is capable of communicating with like communication devices to transfer identification data and either fixed or variable location data as disclosed by Bork et al.

Response to Arguments

5. Applicant's arguments filed June 14, 2002 have been fully considered but they are not persuasive.

With respect to claims 1-7, 16, 17, 24 and 25 applicant argues on page 10 of response where the prior art, Will, contains only information corresponding to one user, as opposed to a plurality of user codes as claimed. Will discloses in Figs. 4 and 5, and col. 4, lines 49-58 where the user interface of the identification badge displays identification information of multiple users, for example, the name and telephone number of another user wishing to speak to the user. Will clearly discloses where the user identification information is constantly changing as the caller information will change with each different caller.

With respect to claims 8, 9 and 12-27, applicant argues where the transmitting apparatus of Will only transmits information that a telephone call or message has been received, and fails to transmit user identification. As stated above in the response to arguments for claims 1-7, Figs. 4 and 5, and col. 4, lines 49-58 of Will clearly disclose user identification information in the form of the name and phone number of the caller.

Art Unit: 2675

With respect to claims 18, 19, 26 and 27, applicant argues where Will fails to disclose linking user identification information stored in an electronic wireless badge with a register checkout or application computer. In col. 5, lines 1-9, the wireless badge transmits an identity code or user identification to remote station, which is the considered to be the application computer, where the remote station maintains a database with the current information of the user of the wireless badge.

With respect to claims 4 and 10, applicant argues where Will and Bork et al are not properly combinable. Examiner disagrees. Will discloses a system where the wireless badge transmits information to that of the remote stations. Bork et al disclose a system directed to a wireless communications device capable of communicating with other communications devices in order to transfer identification data and either fixed or variable location data. Will is shown to currently send identification information as discussed above. Thus it would have been obvious and proper to combine Will and Bork et al.

Accordingly, Examiner maintains the above rejection.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2675

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 703 306 5575. The examiner can normally be reached on 8:00 am to 5:30 pm alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven J. Saras can be reached on 703 305 9720. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703 308 9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 4700.

Srilakshmi K. Kumar
Examiner
Art Unit 2675

SKK
August 24, 2002


CHANH NGUYEN
PRIMARY EXAMINER